

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLAUNDA J. CLARK, an Individual;

Plaintiff,

vs.

BLUE CROSS AND BLUE SHIELD OF
NEBRASKA, INC.,

Defendant.

8:22CV44

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that parties joint motion to extend certain case progression deadlines is granted. (Filing No. 17). The unexpired deadlines in the final progression order are amended as follows:

- 1) The court previously set a status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings with the undersigned magistrate judge on **March 7, 2023 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.

If the parties agree the conference is not needed, or it should be continued to a later date because the parties are not yet ready to discuss these matters, please jointly contact chambers by email to zwart@ned.uscourts.gov.

- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is January 31, 2023. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by June 14, 2023.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is June 26, 2023.
- 4) The deadline for filing motions to dismiss and motions for summary

judgment is August 28, 2023.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is August 28, 2023.
- 6) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) Deadlines not specifically extended by this order are unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 14th day of February, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge